IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3328 OF 2007

MPIL Corporation Ltd..... Petitioner

versus

Suhas Gangadhar Joshi..... Respondent.

Ms. S.Srikrishna i/b Sonal Doshi & Co. for the petitioner.
Mr. Atul Damle for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 30TH AUGUST, 2007

P.C.;

1. In the present writ petition, the order passed by the trial court dated 9-1-2007 rejecting the application filed by the present petitioners/defendants making a prayer for deletion of their names from the proceedings is challenged. Perused the order. The same does not call for any interference.

2. It may not be out of place to mention that the learned counsel for the petitioner has submitted before this court on 25-6-2007 that the respondent was working in F.E. Division whereas the learned counsel for the respondent had contended that having regard to the averments made in the plaint, the plaintiff was

working in production department. The attention of this court was invited to para 15 of the scheme which is at page 26 of the petiiton, and it was submitted that the transferor company and the transferee company no.2 will jointly issued a certificate certifying that the respondent was working in F.E. Division and hence the transferee company no.2 has taken over all the liabilities prior to the cut off date. To enable the petitioner to place on record a jointly issued certificate to that effect, the matter was adjourned. Today the learned counsel for the petitioner has submitted that it is not possible to submit such a joint certificate on record. Hence there being no merit in the petition, the same is summarily dismissed.

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